

REMARKS

Claims 1-7 currently are pending. Claims 1 and 7 have been amended to improve readability and to better claim the invention. Reconsideration of the pending application is respectfully requested on the basis of the following particulars:

The Objections to the Specification, Drawings and Claims

Starting on page 2 of the Office Action, several objections were raised in connection with the Abstract and the Specification. In response, the Abstract and Specification have been amended in accordance with comments provided in the Action. It is believed these changes fully address the objections raised on pages 2 to 3 regarding the Abstract and Specification.

On page 3, the Office Action includes an objection to the drawings because the "step part 24" as described on page 8 is not shown in the figures. In response, a typographical error discovered upon review of the specification and drawings has been corrected. In particular, the cited paragraph on page 8 has been amended to recite "step part 43," which is shown in Figure 6. Support for the amendment is found in FIGS 1, 5 and 6, and paragraph page 12, line 6 of the specification. Accordingly, it is not believed further correction, such as a corrected drawing sheet, would be required to address the concerns expressed by the Examiner.

The Rejection under 35 U.S.C. § 102(b)

Claims 1, 3, 4, 6 and 7 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Miura (U.S. Patent No. 7,369,674).

The Miura patent is directed to an acoustic apparatus (or multifunction-type vibration actuator) which uses a first voice coil/magnet pair found in a main speaker mechanism to generate sound and vibration, as well as a second voice coil/magnet pair found in a sub-speaker mechanism. The claimed subject matter, specifically claim 1, as amended, has a multifunction-type vibration actuator (or acoustic apparatus) having only one voice coil and only one magnet provided for producing sound and vibration.

The Miura patent discloses two sets of speaker mechanisms in one acoustic apparatus.

Accordingly, independent claim 1 is not anticipated by the Miura patent. Claims 2-7 depend from claim 1, and therefore also are allowable.

The Rejection under 35 U.S.C. §103(a)

Claims 2 is rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Miura in view of Frasl (WO 2005/107315). The Frasl document, however, is directed to a diaphragm, and does not discuss the particulars of a voice coil or a magnet. Therefore, Frasl does not remedy the shortcomings pointed out above with regard to Miura. Accordingly, the rejection under Section 103(a) should be withdrawn.

Conclusion

Applicant notes with appreciation the Examiner's indication on page 7 that claim 5 contains allowable subject matter. However, in view of the amendments to the claims, and in further view of the foregoing remarks, it is respectfully submitted all pending claims 1-7 are allowable.

If any issues remain that may be resolved by a telephone or facsimile communication with the Applicant's representative, the Examiner is invited to contact the undersigned at the numbers shown.

Further, while no fees are believed to be due, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-4525.

Respectfully submitted,

/John F. Guay, Reg. No. 47,248/
John F. Guay

Studebaker & Brackett PC
1890 Preston White Drive
Suite 105
Reston, Virginia 20191
(703) 390-9051
Fax: (703) 390-1277
don.studebaker@sbpatentlaw.com